

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD LAWRENCE WARNER,

Plaintiff,

v.

CATHERINE MCVEY, et al.,

Defendants.

Civil Action No. 08-55 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on February 20, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 63], filed on July 9, 2010, recommended that the Defendants' motion for summary judgment [Doc. No. 47] be granted and that the Plaintiff's motion for summary judgment [Doc. No. 51] be denied. It was further recommended that the Plaintiff's motion for judgment on the original pleadings [Doc. No. 55] be dismissed as moot. The parties were allowed fourteen (14) days from the date of service to file objections. Plaintiff filed objections on July 26, 2010 [Doc. No. 64] and supplemented these objections on August 4, 2010 [Doc. No. 65]. After de novo review of the motion and documents in the case, together with the Report and Recommendation and the supplemented objections thereto, the following order is entered:

AND NOW, this 16th day of August, 2010;

IT IS HEREBY ORDERED that the Defendants' motion for summary judgment [Doc. No. 47] is GRANTED and the Plaintiff's motion for summary judgment [Doc. No. 51] is DENIED. JUDGMENT is hereby entered in favor of the Defendants and against the Plaintiff.

IT IS FURTHER ORDERED that the Plaintiff's motion for judgment on the original pleadings [Doc. No. 55] is DISMISSED as moot.

The Report and Recommendation [Doc. No. 63] of Magistrate Judge Baxter, filed on July 9, 2010 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge